S.B.Cr.Misc. Bail App. No. 5320/2007
(Chuna Ram Vs. State of Rajasthan)

Date of order : 14/11/2007

HON'BLE MR.H.R.PANWAR, J.

Mr. M.P.Goswami, for the petitioner.

Mr. Ashok Upadhyay, Public Prosecutor.

Mr. A.D.Charan for the complainant-first informant.

Heard learned counsel for the petitioner and the Public Prosecutor for the State as also counsel appearing for the first informant-complainant. Perused the order impugned and challan papers.

After investigation, the police has filed challan against co-accused Ramuram and Kesharam for the offence under Sections 452, 376 IPC and Section 3 (1) (x), 2 (xii) (v) of the SC/ST (Prevention of Atrocities) Act, 1989. So far as the present petitioner is concerned, the police has filed challan against him for the offence under Section 452 IPC and Section 3 (1) (x) of the SC/ST Act. The petitioner is in custody and the trial is likely to take long time. There being no allegation of committing rape against the present petitioner. The allegation of rape is against the co-accused Ramuram and Kesharam and also against co-accused Nathi Devi who facilitated the commission of crime.

Having regard to the facts and circumstances of the case and the fact that the case of the present petitioner is distinguishable from that of the co-accused, without commenting on the merit of the case, having considered the oral arguments advanced by both the parties, I

think it just and proper to enlarge the accused petitioner on bail.

Accordingly, this bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that petitioner Chuna Ram S/o Shri Chokha Ram be released on bail in FIR No. 87/07 P.S. Maulasar, district Nagaur, provided he executes a personal bond for a sum of Rs. 20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for his appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR), J.

RP